

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DORIAN CLARK a/k/a STEVEN
JACOBS,**

Plaintiff,

v.

COMMONWEALTH,

Defendant.

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CIVIL ACTION NO. 19-CV-2053

ORDER

AND NOW, this 19th day of June, 2019, upon consideration of Plaintiff Dorian Clark a/k/a Steven Jacobs's Motion to Proceed *In Forma Pauperis* (ECF No. 5), his Prisoner Trust Fund Account Statement (ECF No. 4), and his *pro se* Complaint (ECF No. 1), it is **ORDERED** that:

1. Leave to proceed in forma pauperis is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Dorian Clark a/k/a Steven Jacobs, #807486, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Curran Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Clark's inmate account; or (b) the average monthly balance in Clark's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Clark's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's

income credited to Clark's inmate account until the fees are paid. Each payment shall reference the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of Curran Fromhold Correctional Facility.

4. The Complaint is **DEEMED** filed.

5. Clark's Complaint is **DISMISSED without prejudice** as frivolous and for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), for the reasons in the Court's Memorandum.

6. Clark is given thirty (30) days to file an amended complaint in the event he can state a legitimate non-frivolous basis for a claim against an appropriate defendant. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Clark's claims against each defendant. When drafting his amended complaint, Clark should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Clark fails to comply with this Order, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



JUAN R. SANCHEZ, C.J.